

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 62876

Thomas Neimiller
Suite 101
8601 Lasalle Road
Towson, MD 21286

4311 Chapel Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 12, 2009 for a Hearing on a citation for violations under the National Standard Plumbing Code 2006 Principle #19, requiring proper maintenance of failing septic system on residential property known as 4311 Chapel Road, 21228.

On June 24, 2009, pursuant to Baltimore County Code §3-6-205, Inspector William Witty issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Thomas Neimiller, Respondent and William Witty, Baltimore County Plumbing Inspections Inspector.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 15, 2009 for proper maintenance of a failing septic system. This Citation was issued on June 24, 2009.

B. Plumbing Inspector Witty testified that the property tenant complained in June 2009 about the failing septic system. Inspection found significant effluent in the rear yard of the property. Photographs show a large flooded area. A sewer connection is available for this property. A plumbing permit was issued July 14, 2009 for a sewer connection.

C. Respondent Thomas Neimiller testified that he had the septic tank pumped and then it backed up again. He had a contractor assess it and is in the process of connecting to the sewer. His plumbing contractor has obtained the required permit. Deep excavation will be required to access the sewer system. He expects the work to be completed within a couple of weeks.

D. Because compliance is the goal of code enforcement, and Respondent is working actively to correct this violation by installing a connection to the sanitary sewer system, the civil penalty will be rescinded if the correction is completed within a reasonable time.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by September 14, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.